

REMARKS

The examiner has rejected all claims as being anticipated by a plurality of references and has commented with respect to prior arguments of the applicant. The applicant has now changed the claims to claim the specific obstruction to be manhole cover or sewer.

The examiner has rejected claims 1-7, 9 and 10 as being anticipated by Herman.

Applicant submits that Herman can surround cables but can not surround man hole covers and therefore 1-7, 9 and 10 can not be anticipated by Herman. The examiner has stated that Herman '266 (column 1 line 11-22) states that the device would protect the cables and pedestrians and "some vehicular traffic from tripping on the cable". It could not be used for vehicular traffic if heavy or fast inasmuch as the protected device was not free of the protective devices.

Herman has a rectangular box or protective unit to a member such as a plurality of cables. Applicant's invention is a protective unit for the protection of the manhole and the vehicular traffic and is not connected to the protected device i.e., the manhole. The Herman device (column 2, line 37) calls for cable protectors i.e., rectangular box, sloping plate elements are attached to the cable protector. In order to relate Herman to McGinnis or applicants invention requires attaching the protecting element to the protected element which does not occur in the art for protection of manholes or other projections subjected to highway traffic.

The cable protector is not comparable to the manhole cover. The protection devices of applicants invention and the other man hole references are not attached to the protective device as in Herman. There is no suggestion in Herman that the slope element could be independent of the cable protector. Thus to combine references where the cable or the protector element is

independent and not attached to the protective element would require more than would be obvious.

The examiner in each rejection has said it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ramp with the hinge mechanism, interlocking mechanism or whatever else is shown in the prior art of protected devices attached to the protector. Applicant submits that combining these devices would not be feasible. The different classes would indicate that combining them would not be obvious and never cross referenced prior to this time. Cable protectors and manhole cover protectors are in two separate classes in the patent office and it would appear to make any combination between the two inoperative.

This application as now presented is believed to be in condition for allowance and action to that effect is respectfully requested.

Respectfully submitted,

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Date: 10-30-01

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MARKED-UP VERSION SHOWING CHANGES MADE

[1. In combination, a temporary ramp adapted for use on roadways under construction, the roadways having an elevated obstruction located in the roadway, said temporary ramp comprising:

first and second adjacent ramp segments each having a lower surface which contacts the roadway when installed and an upper inclined surface that vehicle wheels contact during use, said first and second adjacent ramp segments each having at least one edge portion along which each ramp segment is coupled with the other ramp section during use, said first and second ramp segments being positionable adjacent the elevated obstruction located in the roadway for allowing vehicles traveling the roadway to ride up and over the elevated obstruction.]

2. The temporary ramp of claim [1] 24, wherein said first and second adjacent ramp segments are removably coupled together and transfer forces between segments during use.

7. The temporary ramp of claim [1] 24, wherein the upper inclined surfaces of the ramp segments

are an elastomeric material.

12. The temporary ramp of claim [1] 24, and further comprising a hinge mechanism positioned between adjacent edge portions of the first and second ramp segments and allow the first and second ramp segments to pivot with respect to one another when removed from the roadway.

13. The temporary ramp of claim [1] 24, wherein the ramp segments further comprise fastener openings through which fasteners are positioned, said fasteners being coupled with the roadway beneath the ramp segments and operatively abut the ramp segments to assist the ramp segments resist the forces transmitted to the ramp segments by vehicles traveling across the ramp segments.

24. A temporary ramp adapted for use on roadways under construction, the roadways having an elevated obstruction, such as a man hole, where the roadway has been partially ground down leaving the man hole elevated above the surface of the roadway, a protective ramp placed

removable around said man hole cover support to prevent damaging impact to said man hole
cover by vehicles traveling on the roadway, said temporary protection ramp comprising:
first and second adjacent ramp segments each having a lower surface which
contacts the roadway when installed and an upper inclined surface that vehicle wheels contact
during use, said first and second adjacent ramp segments each having at least one edge portion
along which each ramp segment is coupled with the other ramp section during use, said first and
second ramp segments being positionable adjacent the elevated obstruction and having its apex
at the same height as the top of the man hole cover located in the roadway for allowing vehicles
traveling the roadway to ride up and over the elevated obstruction without damage.